

## **December 15, 2008 - Regular Town Council Meeting**

**At a Regular Meeting of the Town Council of the Town of Middletown, RI, held at the Middletown Town Hall on Monday, December 15, 2008 at 7:00 P.M.**

**Council President Christopher T. Semonelli, Presiding**

**Vice Chairman Richard Cambra**

**Councillor Frank A. Bozyan**

**Councillor M. Theresa Santos**

**Councillor Edward J. Silveira, Jr.**

**Councillor Robert J. Sylvia**

**Councillor Barbara A. VonVillas, Members Present**

**CONSENT CALENDAR**

**1. Approval of Minutes – Regular Meeting, December 1, 2008.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to approve said minutes.**

**2. Application of Newport Mart, Inc., 52 East Main Road, for RENEWAL of Victualling House License for the 2008-2009 licensing year.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said license renewal.**

**3. Memorandum of Town Administrator, with enclosures, re: Executed Consent Agreement with RIDEM.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.**

## **TOWN COUNCIL**

- 1. Memorandum of Police Chief, re: Swearing in ceremony.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.**

**Police Chief Anthony Pesare introduced Lt. Frederick M. Bodington, III, recently retired. He announced the promotions of the following Middletown Police Department members: Sergeant Kelly Mitchell to the rank of Lieutenant, Officer Mark Minnella to the rank of Sergeant and Probationary Police Officers Tyree Brockman, Kevin Ferreira, Michael Kravchuk, Clifford McGregor and Adam Tobias. All were pinned by family members.**

**2. Resolution of the Council, re: Commendation for Senator June N. Gibbs.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution, which was read and presented by Council President Semonelli to Senator June N. Gibbs.**

**3. Resolution of the Council, re: Commendation for Barbara Walton-Faria.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution, which was read and presented by Council President Semonelli to Barbara Walton-Faria.**

**Councillor Santos recused herself from acting of the following item of business, due to a possible conflict of interest.**

**4. Memorandum of Town Administrator, with enclosures, re: Repairs for Witherbee School.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.**

**Discussions centered around when the project will be started, rejecting the bid, re-bidding in the spring and investigating other funding sources for the project.**

**On motion of Councillor Sylvia, duly seconded, it was voted unanimously to reject all bids for Repairs at Witherbee School and re-bid the project at a later date.**

**5. Resolution of the Council, re: Award of contract for repairs at**

**Witherbee School.**

**Contract for repairs at Witherbee School bids were rejected.**

**6. Communication of Town Administrator, with enclosures, re: BRAC 2005 (Navy Land) – Proposed Aquidneck Island Re-Use Planning Authority.**

**Town Administrator Shawn Brown reviewed the following communication entered here:**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.**

**On motion of Councillor Silveira, duly seconded, it was voted unanimously to approve the proposed by laws of the AIRPA,**

**contingent upon the Solicitor's review.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously that Middletown agrees to participate in the creation of the Aquidneck Island Re-Use Planning Authority (AIRPA) as the regional LRA.**

**7. Resolution of the Council, re: Authorizing the Town Administrator to execute Memorandum of Understanding with (RIEDC) and Council approving creation of (AIRPA) and its proposed by-laws.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to appoint Arthur Weber and Jan Eckhart to the AIRPA with Richard Adams as an alternate.**

**8. Memorandum of Town Administrator, with enclosures, re:  
Intersection – Green End Avenue/Valley Road.**

**Town Administrator Shawn Brown reviewed his memorandum  
entered here:**

**On motion of Vice Chairman Cambra, duly seconded, it was voted  
unanimously to receive said memorandum.**

**Jamie Pisano, VHB Project Manager, addressed the Council noting  
the history of the Green End Avenue/Valley Road Intersection project  
and presented a diagram of the area showing all the improvements  
that will be made.**

**Councillor Santos expressed concern with the Historical Society  
property, which would be effected during the project.**



**Councillor Bozyan expressed concern with the increase of the project shown in the change order.**

**Antone Vivieros, 110 Indian Hill Road, addressed the Council noting that he is very concerned that if the project exceeds its budget, who will pay to complete the project.**

**Councillor Silveira inquired who would pay for the project if it exceeds its budget.**

**Town Administrator Shawn Brown explained that the Town would be responsible to complete the project however, notes the opportunity and price may not be offered again.**

**Councillor Sylvia expressed his support for the project.**

**The Design, Construction and Maintenance Agreement and proposal for the Valley Road and Green End Avenue intersection is on file in the Office of the Town Clerk.**

**9. Resolution of the Council, re: Approving change order submitted by VHB – Intersection - Green End Avenue/Valley Road.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.**

**10. Communication of Town Administrator, with enclosures, re: FY2009 Regional Animal Shelter Agreement.**

**Vice Chairman Cambra noted his support for the Animal Shelter.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.**

**The Regional Animal Shelter Agreement referenced in the communication is on file in the Office of the Town Clerk.**

**11. Resolution of the Council, re: Renewing FY2009 Regional Animal Shelter Agreement.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.**

**12. An Ordinance of the Town of Middletown (Second Reading)**

**An ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section**

### **(33) Beach Fees.**

**Councillor Santos expressed concern with raising the season beach passes by \$5.00, noting it may cause a hardship for residents.**

**Councillor Sylvia noted his support for the increase.**

**Councillor VonVillas questioned if the increase was included in the FY2009 budget.**

**Responding to Councillor VonVillas, Town Administrator Shawn Brown noted that the FY2009 Approved Budget does include the increase.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted to adopt said ordinance on its second reading; Councillor Santos voted**

**NO to said motion.**

**13. An Ordinance of the Town of Middletown (Second Reading)**

**An ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section (34) Campground Fees.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to adopt said ordinance on its second reading.**

**14. An Ordinance of the Town of Middletown (Second Reading)**

**An ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section (51) Public Safety Private Detail Billing Rates.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted**

**unanimously to adopt said ordinance on its second reading.**

**15. An Ordinance of the Town of Middletown (Second Reading)**

**An ordinance in amendment to the Town Code of the Town of Middletown, Title V Public Works, Chapter 50 Garbage and Refuse, Section (50.44) Obligations of Residents.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to adopt said ordinance on its second reading.**

**16. Communication of Town Solicitor Michael W. Miller, with enclosure, re: Proposed Civil Procedures & Professional Conduct.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.**

**Councillor VonVillas requested Council President Semonelli to read all proposals.**

**Council President Semonelli read the proposal for “Standards For Professional Conduct For Council Members”.**

**Councillor Silveira requests that #4 within the proposal of Standards for Professional Conduct For Council Members be changed to include all Council members.**

**Town Solicitor Michael W. Miller noted that the words “or any councillor” could be placed on the third line after chairperson.**

**Councillor Bozyan requested an amendment to add US Constitution within the first paragraph.**

**On motion of Councillor Sylvia, duly seconded, it was voted to table the matter of “Standards For Professional Conduct For Council Members”, to a later date; Councillor Silveira voted NO to said motion.**

**Council President Semonelli read the proposal for “Employee Conduct”.**

**On motion of Councillor Silveira, duly seconded, it was voted unanimously to approve proposal of Employee Conduct.**

**Council President Semonelli read the proposal for “Civility And Mutual Respect Standard For The Conduct Of Business In The Town Of Middletown”**

**On motion of Councillor Silveira, duly seconded, it was voted unanimously to table this matter and revisit it at the next regular**



**meeting of the Council, January 5, 2009.**

**17. Communication of Town Solicitor Michael W. Miller, with enclosure, re: Nomination and Appointment Guidelines.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.**

**Discussion centered around the need for Nomination and Appointment guidelines, flexibility when appointing, adding fifteen more days to #1 and #2 and amending #4 a with stronger language.**

**Art Benner, 3 Namquid Drive, addressed the Council noting the Council should review all applications and use best judgment when appointing to the various boards and committees.**

**On motion of Councillor Sylvia, duly seconded, it was voted unanimously to approve the Nomination and Appointment to Town Boards and Committees guidelines.**

**18. Email communication of Melissa A. Rodrigues Massey, re: Resignation from the Middletown Zoning Board.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said email communication and accept said resignation with regret.**

**19. Memorandum of Town Administrator, re: Request - Holiday Donation.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum and approve a \$500. donation, said donation to be appropriated from the Council President's Discretionary fund.**

**20. Memorandum of Town Administrator, re: Confirmation of appointment of Fire Chief.**

**Town Administrator Shawn Brown addressed the Council noting the appointment of Ronald N. Dorie as Middletown Fire Chief and reviewed the memorandum entered here:**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.**

**Councillor Santos expressed concern of not promoting from within.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted, to confirm the appointment of Ronald N. Doire as Middletown Fire Chief; Councillor Santos voted NO to said motion.**

## **PUBLIC FORUM SESSION**

**Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.**

**Councillor Bozyan complimented the Senior Center for the annual tree lighting ceremony.**

## **EXECUTIVE SESSION**

**Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4. and 42-46-5. (a) (2) litigation (Dicon Corp. vs. Town of Middletown) and (Environment Rhode Island vs. Town of Middletown) (RIDEM – Wave**

**Avenue Force Main NOV).**

**On motion of Councillor Santos, duly seconded, it was voted unanimously to recess this meeting at 9:10 P.M. and reconvene in executive session.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to reconvene this meeting in open session at 9:56 P.M.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to seal the minutes of the executive session pursuant to Section 42-46-7. RIGL.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to adjourn this meeting at 10:00 P.M.**

**Wendy J.W. Marshall, CMC**

**Council Clerk**